

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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|--|---|------------|
| KENNY VANDERVEEN and |) | 4:11CV5004 |
| ANDREW VANDERVEEN, |) | |
| as co-personal representatives of the Estate |) | |
| of Kenneth J. Vanderveen, deceased, |) | MEMORANDUM |
| |) | AND ORDER |
| Plaintiffs, |) | |
| v. |) | |
| |) | |
| JWANNA Y. GILZEANE, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court on the findings and recommendation filed by Magistrate Judge Cheryl R. Zwart on June 10, 2011 (filing [26](#)). Judge Zwart recommends that the plaintiffs' motion for remand (filing [18](#)) be denied.

No objections have been filed to the findings and recommendation within the time permitted by [28 U.S.C. § 636\(b\)\(1\)](#). In any event, I have conducted a de novo review and find that Judge Zwart has correctly found the facts and applied the law. Her findings and recommendation therefore will be adopted, and the plaintiffs' motion for remand will be denied. Accordingly,

IT IS ORDERED:

1. The magistrate judge's findings and recommendation (filing [26](#)) are adopted.
2. The plaintiffs' motion for remand (filing [18](#)) is denied

July 11, 2011.

BY THE COURT:

Richard G. Kopf
United States District Judge